

**Approved as Amended by the Board of Governors and Supreme Court  
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- 1 (k) "Participating" in an approved continuing legal education activity shall  
2 mean and encompass taking part in such activity as a member of a panel  
discussion, without the preparation of written materials or the delivery of a  
prepared talk, lecture or address.
- 3 (l) "Attending" an approved continuing legal education activity shall include  
4 and encompass:
- 5 (1) Presence in an audience of two or more persons being addressed  
by participants in an approved continuing legal education activity, and
- 6 (2) Viewing or listening individually to video or audio tapes, CD-ROM,  
motion pictures, simultaneous broadcast or other such systems or devices  
approved by the CLE Board.
- 7 (m) "Groups 1, 2, and 3": the active members of the bar shall be divided into  
8 three groups. Group 1 shall be those admitted through 1975 and in 1991,  
1994, 1997, 2000. Group 2 shall be those admitted 1976 through 1983,  
9 and in 1992, 1995, 1998. Group 3 shall be those admitted 1984 through  
1990 and in 1993, 1996, 1999. Members shall continue to be assigned to  
Groups upon admission in the same consecutive manner.
- 10 (n) "Professionalism" is no more, and no less, than conducting one's self at all  
11 times in such a manner as to demonstrate complete candor, honesty,  
courtesy and avoidance of unnecessary conflict in all relationships with  
12 clients, associates, courts and the general public. It is the personification  
of the accepted standard of conduct that a lawyer's word is his or her  
13 bond. It includes respectful behavior towards others, including sensitivity  
to substance abuse prevention, anti-bias or diversity concerns. It  
encompasses the fundamental belief that a lawyer's primary obligation is  
14 to serve his or her clients' interests faithfully and completely, with  
compensation only a secondary concern, acknowledging the need for a  
balance between the role of advocate and the role of an officer of the  
15 court, and with ultimate justice at a reasonable cost as the final goal. The  
area of professionalism shall include the issues of and training in diversity,  
16 anti-bias, and substance abuse training in order to improve public  
confidence in the legal profession and to make lawyers more aware of  
their ethical and professional responsibilities.
- 17 (o) "Ethics" shall include discussion, analysis, interpretation, or application of  
18 the Rules of Professional Conduct, Rules for Lawyer Discipline, Code of  
Judicial Conduct, judicial decisions interpreting these rules, and ethics  
19 opinions published by bar associations relating to these rules, as well as  
the general subject of standards of professional conduct expected of  
lawyers acting in the representation of clients and in the public interest.
- 20 (p) "Practicing law," for the purpose of this rule, is defined as the  
21 representation of one or more clients under the authority of a license to  
practice law in the state of Washington.

## 22 **Regulation 102. Continuing Legal Education Requirement**

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1 (a) As provided for in APR 11.2, each active member shall complete a  
2 minimum of 45 credit hours of approved legal education every three years.  
3 At least six of the 45 continuing legal education credit hours required  
4 during the reporting period shall be devoted exclusively to the areas of  
5 legal ethics, professionalism, or professional responsibility. If an active  
member completes more than 45 credits during a three-year reporting  
period, 15 of the excess credits may be carried forward and applied to that  
member's education requirement for the next reporting period. The fifteen  
credit hours that may be carried forward may include two credit hours  
toward the legal ethics, professionalism, or professional responsibility  
requirement.

6 (b) **Ethics/Professionalism Requirement.** As provided for in APR 11.2

7 (c) All active members shall complete and report a minimum of six credit  
8 hours of approved or accredited legal ethics, professionalism, or  
9 professional responsibility continuing education for the reporting period  
terminating on December 31, 1998 and for each reporting period  
thereafter.

#### 10 **Regulation 103. Credits: Computation**

11 (a) Continuing legal education credit may be obtained by attending, or  
12 teaching or participating in, continuing legal education activities which  
have been (1) approved by the CLE Board, (2) afforded retroactive  
approval by the CLE Board pursuant to APR 11 and these Regulations, or  
(3) conducted by an accredited sponsor, as set forth herein.

13 (b) Credit shall be awarded on the basis of one (1) hour for each sixty (60)  
14 minutes actually spent by a member in attendance at an approved activity.  
Otherwise stated, a "credit hour" equals one (1) clock hour of actual  
attendance.

15 (c) Meals and Banquets. Credit may not be denied merely because  
16 continuing legal education activities are presented at a meal or banquet.

17 (d) **Teaching or participating.** Credit toward the continuing legal education  
18 requirement set forth in APR 11.2(a) and Regulation 102 may be earned  
through teaching or participating in an approved continuing legal  
education activity on the following basis:

19 (1) An active member teaching in an approved activity shall receive  
20 credit on the basis of one credit for each sixty (60) minutes actually spent  
21 by such member in attendance at and teaching in presentation of such  
22 activity. Additionally, an active member teaching in such an activity shall  
also be awarded further credit on the basis of one credit hour for each  
sixty (60) minutes actually spent in preparation time, *provided* that in no  
event shall more than ten (10) hours of credit be awarded for the  
preparation of one hour or less of actual presentation.

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1                   EXAMPLES: Attorney X, an active member, gives a one  
2 hour lecture presentation at a six (6) credit hour seminar  
3 presented in each of three cities. Attorney X is entitled to  
4 one credit hour for each sixty (60) minutes of actual  
5 attendance and teaching at presentation of the seminar. In  
6 addition, attorney X may be awarded up to ten (10)  
7 additional credits for time spent in preparation. Accordingly,  
8 Attorney X, if he attends and teaches in an entire  
9 presentation of the seminar, may claim a total of sixteen (16)  
10 credits maximum for his involvement in the three-city series  
11 of seminars.

12                   Attorney Y, an active member, gives a two (2) hour lecture at  
13 the same seminar. Attorney Y is entitled to one credit hour  
14 for each sixty (60) minutes of actual attendance and  
15 teaching at presentation of the seminar. In addition,  
16 Attorney Y may be awarded up to twenty (20) additional  
17 credits for time spent in preparation. Accordingly, Attorney  
18 Y, if he attends and teaches in an entire presentation of the  
19 seminar, may claim a total of twenty-six (26) credits  
20 maximum for his involvement in the three-city series of  
21 seminars.

22                   (2) An active member participating in an approved activity shall receive  
23 credit on the basis of one credit hour for each sixty (60) minutes actually  
24 spent by such member in attendance at presentation of such activity.  
25 Additionally, an active member participating in such an activity shall also  
be awarded further credit on the basis of one hour for each sixty (60)  
minutes actually spent in preparation time, *provided* that in no event shall  
more than five (5) hours of credit be awarded for such preparation time in  
any one such continuing legal education activity.

1                   EXAMPLE: Attorney Z, an active member, participates in a  
2 one hour panel discussion at a six (6) credit hour seminar  
3 presented in each of three cities. Attorney Z is entitled to one  
4 credit hour for each sixty (60) minutes of actual attendance  
5 at presentation of the seminar. In addition, Attorney Z may  
6 be awarded additional credits for preparation time for the  
7 panel discussion. Accordingly, Attorney Z, if he actually  
8 attends an entire presentation of the seminar, may claim a  
9 total of eleven (11) credits maximum for his involvement in  
10 the three-city series of seminars.

11                   (e) **Law School Courses.** Credit under the provisions of APR 11 shall be  
12 computed on the basis of one (1) credit for each clock hour of instructed  
13 law school class time actually attended up to a maximum of 15.00 hours  
14 per course. For example, under this formula an active member who  
15 actually attends 30 hours of instruction in a law school course may claim  
16 a maximum of 15.00 hours of credit under APR 11, with the remaining  
17 15.00 hours being inapplicable toward the requirement and not capable of  
18 being carried over to the next reporting period. However, an active  
19 member attending two separate courses may earn a maximum of 15.00  
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hours of credit per course and in such instance may carry the excess 15.00 hours of credit over to the next reporting period.

An active member taking such a course shall arrange with the instructor for verification of the active member's actual attendance at the various sessions of the course and for the reporting of such attendance to the Board.

Success on any examination given in connection with such a course is not a prerequisite to obtaining CLE credit for attendance at the a course under the provisions of APR 11.

(f) An active member shall receive a maximum of one-third of the continuing legal education required under APR 11.2(a) through self-study credits or audio/videotaped instruction (defined in Regulations Section 104(b)(1)).

(g) **Pro Bono Legal Services:** A member may earn up to six (6) hours of credit annually by certifying that the member has fulfilled the following requirements under the auspices of a qualified legal services provider:

(1) Each attorney seeking CLE credit will have received at least two (2) hours of education, under the auspices of a qualified legal services provider, which may consist of:

- (i) not less than two (2) hours of training with live presentation(s); or
- (ii) not less than two (2) hours viewing or listening individually to video or audio tapes approved by the CLE Board; or
- (iii) any combination of the foregoing training; or
- (iv) serving as a mentor to a participating attorney who has completed the foregoing training; and

(2) Each attorney seeking CLE credit also will have subsequently completed not less than four (4) hours of pro bono work in providing direct representation to a low-income client(s) through a qualified legal services provider or in serving as a mentor to other participating attorney(s) who are providing such direct representation.

#### **Regulation 104. Standards for Approval**

(a) **Basis for approval of courses.** Courses will be approved based upon their content. An approved course shall have significant intellectual or practical content relating to the practice of law. In evaluating content, course presenters and audience may be considered but those will not be the principal criteria for approval. Courses involving federal or state taxation issues, arbitration or alternative dispute resolution, as examples, may appeal to persons from disciplines other than law, but may still be approved courses.

(1) **Definition.** The course shall constitute an organized program of learning dealing with matter directly relating to the practice of law, legal ethics, or professionalism, including anti-bias and diversity training, and substance abuse prevention training.

(2) Factors in evaluating. Factors which should be considered in evaluating a course include:

- (i) The topic, depth, and skill level of the material.
- (ii) The level of practical or academic experience or expertise of the presenters or faculty.
- (iii) The intended audience.
- (iv) The quality of the written, electronic, or presentation materials, which should be high quality, readable, carefully prepared and distributed to all attendees at or before the course is presented. In some cases, written material may not be necessary, but that is the exception and not the rule.
- (v) The physical setting is suitable to the educational activity, free from unscheduled interruption, and should include a writing surface where feasible.

(b) **Basis for approval of activities.** Credit will also be given for certain activities which are not approved courses. The following activities will qualify for continuing legal education credit, subject to the restrictions set forth below.

(1) Self-Study Credits. Attorneys may receive credit by watching or listening to video or audio tapes, CD-ROM, motion pictures, simultaneous broadcast, electronic or other such systems or devices approved by the CLE Board or by engaging on computer-assisted legal study programs, which meet the content requirements of (a), above.

(i) To claim CLE credits earned through self-study, attorneys are required to report on their CLE Certification the number of credits for which the tape, CD-ROM, motion pictures, electronic or other such systems or devices, or computer assisted self-study program was approved, the sponsor, the title of the seminar or program, and the date the seminar or program was originally recorded or, in the case of computer assisted self-study programs, its most recent edition year. By signing the CLE Certification, attorneys will declare that they have not violated any copyright laws in earning credits reported in the Certification.

(ii) Sponsors are required to affix on the outside of each audio or video tape, CD-ROM, motion pictures, electronic or other such systems or devices approved for credit by the Board, the name of the sponsor, the name of the program, the date originally recorded, the length of the tape in hours and minutes and the number of credits for which it has been approved. Computer assisted self-study programs are not subject to this provision.

(iii) Sponsors are not required to submit copies of audio or video tape, CD-ROM, motion pictures, electronic or other such systems or

1 devices with applications for approval. The CLE Board, however,  
2 reserves the right to obtain on demand a copy of any tape,  
CD-ROM, motion pictures, electronic or other such systems or  
devices, submitted for approval.

3 (iv) If a live seminar is approved by the Board, the video or audio tape  
4 or electronic version of that seminar is deemed approved without  
the sponsor submitting a second application for approval. Written  
5 materials distributed at the live seminar must also be distributed  
with the taped or electronic seminar.

6 (v) Regulation 104(a) regarding the distribution of written materials  
applies to taped or electronic seminars as well as live seminars. It  
7 does not necessarily apply to computer assisted self- study  
programs.

8 (vi) As a general rule, the accreditation of all tapes, except skills  
9 training tapes, expires five years after the date the tape was  
originally recorded.

10 (2) Attendance at courses that have not applied for or received  
approval as courses. Applicants may receive individual approval for  
11 attendance at a course which would have been approved if the sponsor  
had applied for credit by submitting Form 1.

12 (3) Nexus credit. Attending or teaching at a course where there is a  
substantial relationship to the lawyer's field of practice and the lawyer  
13 demonstrates that the topic, depth, and skill level will improve the lawyer's  
competence to practice law. A course which does not directly deal with  
14 the practice of law, such as a medical course, a child abuse program or  
some similar offering, may not qualify for approval of a course under  
15 Regulation 104(a). Individual attorneys who practice in those areas will  
have a direct benefit from attending such a course, however. Upon a  
16 showing of nexus between an individual's law practice and such a course.  
CLE credit may be given to that individual attorney even though the  
course itself does not qualify for credit.

17 (4) Writing and Editing Activities. Credit for writing and editing  
activities may be granted on a case by case basis under the condition that  
18 prior approval is secured and the writing or editing in question meets the  
standards of Regulation 104(a), and that it is actually published for the  
19 education of the Bar by an entity recognized in the legal community as a  
publisher of legal works. Writing or editing for or on behalf of a client or  
20 prospective client, for marketing purposes, or in the course of the regular  
practice of law, is not eligible for credit. See Regulation 104(d)(3). Credit  
21 for writing or editing activities shall be granted sparingly, and only on a  
case by case basis. In appropriate circumstances, the CLE Board may  
22 waive the prior approval requirement and grant credit retroactively if the  
quality standards are met. The CLE Board may also waive the prior  
23 approval requirement where the publisher has demonstrated uniform  
adherence to the Standards of 104(a). Writers or editors, whose work has  
been approved, may claim up to a maximum of 10.00 CLE credit hours.  
The number of actual hours claimed should be based on the number of

hours spent in preparing the material, but in no case may more than 10.00 credit hours be claimed.

(c) **Examples of courses or activities that may qualify for credit.**

(1) Attending or participating in programs that deal with the problems of running a law office may be approved. In particular, docket control, malpractice avoidance, and education on substance abuse by lawyers or assistants will qualify for approval. Programs that are designed to improve an attorney's communication skills with his or her clients and improve the attorney-client relationship will be approved.

(2) Courses or self study programs on how to conduct electronic legal research may be approved subject to the other provisions of these regulations.

(3) Alternate dispute resolution courses may be approved subject to the other provisions of these regulations.

(4) CLE credit will be given for attending law school courses, including courses offered at the J.D. or advanced education levels based upon the actual hours of attendance. Applicants need not take exams to qualify for credit, but must otherwise comply with the applicable regulations of the law school or university involved. Credit for teaching law school courses by full-time teachers will not qualify for credit. However, for the first preparation leading to the teaching of a specific law school course by an adjunct (not a full-time) professor, credit will be given on the basis of ten hours of credit for each hour of preparation time, and one credit will be given for each hour of class presentation time to a maximum of 15 credit hours each year.

(5) Credit will not be given for attending bar review/refreshers courses offered in preparation for the Washington State Bar examination, but credit may be given for attending bar review/refreshers course offered in jurisdictions other than Washington, on the basis of 1.00 credit for each classroom hour of instruction or audio/videotaped instruction.

(6) Programs outside the United States may be given credit, subject to the following provisions.

(i) Seminars concerning laws of jurisdictions outside the United States can qualify for CLE credit. It is not necessary to return to the United States or to Washington State in order to obtain CLE credits.

(ii) In recognition of the potential unavailability, in certain geographical areas, or courses and programs meeting the criteria of Regulation 104, the CLE Board, or its Executive Secretary, may grant approval of courses, offered in such areas, which do not fully meet the standards of Regulation 104 and which, accordingly, would not be approved if offered within the United States. Decisions relative to the approval of such courses are within the discretion of the CLE Board, which shall, among other things, consider the availability of



1 programs in the area involved and the good faith attempts of the  
2 member affected to comply with the requirements of APR 11.

3 (iii) If the foreign location is very remote and removed from reasonable  
4 opportunities for attendance at live CLE programs, it is possible to  
5 fully comply with CLE requirements by viewing videotapes, listening  
6 to audiotapes or by attending informal CLE programs developed  
7 and presented by lawyers in the foreign jurisdiction, with approval  
8 of the CLE Board. Under any of these circumstances, CLE credits  
9 may be awarded on the basis of 1.00 credit per hour. Applications  
10 should be made in advance of the activity in question, in order to  
11 confirm that CLE credit is available, prior to the commitment of time  
12 and resources to the activity.

13 (iv) CLE credit may be given for attending law school courses, including  
14 courses offered at the J.D. or advanced education levels based  
15 upon actual hours of attendance. Applicants need not take exams  
16 to qualify for credit, but must otherwise comply with the applicable  
17 regulations of the law school or university involved.

18 (d) **The following activities will not qualify for credit:**

19 (1) Teaching a legal subject to non-lawyers in an activity or course that  
20 would Not qualify those attending for CLE credit.

21 (2) Programs that are primarily designed to teach attorneys how to  
22 improve market share, attract clients or increase profits will not be  
23 approved, nor will programs primarily designed to be a sales vehicle for a  
24 service or product. While a company which provides services or products  
25 to the legal community may wish to participate in or sponsor law office  
management seminars, those courses will be approved for credit only if  
there is no discussion or literature promoting that company, other than the  
biographical material about the speakers, or there is equal treatment in  
discussion and written materials of alternate vendors of the particular  
product or service, and the written material does not include prepared  
promotional literature.

(3) Writing for or on behalf of a client, or for the regular practice of law.

(4) As a reward for meritorious legal work, such as pro bono work,  
except as provided in Reg. 103(g).

(5) Jury duty.

(6) Programs to enhance a person's ability to present or prepare a  
continuing education program will not be approved.

(7) Judging or participating in law school competitions.

(e) **Private law firm education.** In addition to compliance with the  
requirements of Regulation 104(a) and the limitations described below,  
private law firm courses may be approved for credit under the provisions  
of APR 11 on the following bases:

(1) Approval of such courses may be granted only on a case by case basis. Accredited sponsor status (as set forth in Regulation 106) will not be available for private law firm sponsors. The CLE Board may, however, consider the sponsoring organization's experience in presenting similar programs.

(2) A complete course schedule with time allocations must be submitted in advance. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet which attendees will complete must be submitted to the CLE Board within 30 days after the program.

(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.

(4) Private law firm courses shall be open to non-members of the sponsoring firm provided that there is space available.

(5) Marketing of the private law firm in any manner is not permitted including but not limited to the display of brochures, pamphlets or other firm advertising. Approval for credit may be denied or withdrawn if the program material is presented in such a way that it is necessary for a particular firm to be retained or associated in order to adequately handle the type of matter being discussed. Persons or organizations may not state or imply that the CLE Board approves or endorses any person or organization.

(f) **Governmental Agencies.** In addition to compliance with the requirements of Regulation 104(a) and the limitations described below, the courses of federal, state, local, and military agencies or organizations may be approved for credit under the provisions of APR 11 on the following bases:

(1) Approval of such courses may be granted only on a case by case basis. Accredited sponsor status (as set forth in Regulation 106) will not be available for governmental agencies. The Board may, however, consider the sponsoring organization's experience in presenting similar programs.

(2) A complete course schedule with time allocations must be submitted in advance. High quality written materials are required and should be distributed to all attendees at or before the time the course is presented. A critique form or evaluation sheet and an attendance sheet which attendees will complete must be submitted to the CLE Board within 30 days after the program.

(3) The course must be attended by five (5) or more lawyers admitted to any Bar Association, excluding the instructors.

(4) Governmental agency courses may be open or closed to nonmembers of the governmental agency or organization, provided that

notice of them will be published on the WSBA web page, and that any written materials are available to any inquirer.

### **Regulation 105. Procedure for Approval of Continuing Legal Education Activities**

(a) An active member or sponsoring organization desiring approval of a continuing legal education activity shall submit to the CLE Board all information called for by Form No. 1.

(b) Approval shall be granted or denied in accordance with the provisions of Regulation 108 herein.

(c) As to a course that has been approved within the last twelve months, the sponsoring organization may announce, in informational brochures and/or registration materials: "This course has been approved for \_\_\_\_\_ hours of Washington MCLE credit, including \_\_\_\_\_ hours of ethics/professionalism credit."

(d) The CLE Board may establish and assess sponsoring organizations or individuals a fee for the purpose of defraying the costs of processing applications for accreditation of courses submitted for CLE credit, such fee to be established from time to time by the CLE Board and approved by the Board of Governors.

### **Regulation 106. Accreditation of Sponsoring Organizations**

(a) The CLE Board may extend approval to a sponsoring organization for all of the continuing legal education activities sponsored by such organization which conform to Regulation 104. A sponsoring agency to which such general approval has been extended shall be known as an "accredited sponsor".

(b) A sponsoring organization desiring to apply for status as an accredited sponsor shall submit to the CLE Board all information called for in the form required by the Board. Accreditation shall be granted or denied in accordance with the provisions of Regulation 108. A primary consideration in the evaluation of such a request for status as an accredited sponsor shall be the previous experience of the organization in sponsoring and presenting continuing legal education activities. A reasonable fee may be assessed by the CLE Board, with approval of the Board of Governors, with regard to the application. A private law firm shall not qualify for accredited sponsor status.

(c) Once a sponsoring organization has been granted the status of an accredited sponsor, it is not required to seek approval for individual educational activities sponsored while an accredited sponsor. It shall be responsible for calculating the number of credit hours to be awarded and reporting those determinations to the CLE Board in such manner as the CLE Board determines. Accredited sponsors are entitled to include in any materials which promote such activity, language that indicates the activity

1 has been approved for Washington State MCLE credit in the amount of  
2 \_\_\_\_ hours ( of which \_\_\_\_ hours will apply to ethics credit requirements).

3 (d) A sponsoring organization which has been granted the status of an  
4 accredited sponsor shall, except as otherwise provided in this Regulation  
5 106, continue to be subject to and governed by all provisions of APR 11  
6 and these Regulations.

7 (e) A sponsoring organization which has been granted the status of  
8 accredited sponsor shall provide the CLE Board at least yearly with a list  
9 of all its course offerings, identifying the number attorneys and  
10 non-attorneys attending each program, and such additional information as  
11 the CLE Board may require. The sponsoring organization shall also solicit  
12 critiques or evaluations from participants at each program, retain copies,  
13 and provide them to the CLE Board upon request. The CLE Board may,  
14 upon review of such information, advise the organization that its manner of  
15 compliance is improper, and may terminate the organization's status as an  
16 accredited sponsor for future offerings.

#### 17 **Regulation 107. Delegation**

18 (a) To facilitate the orderly and prompt administration of APR 11 and  
19 these Regulations, and to expedite the processes of, inter alia, course  
20 approval, sponsor accreditation and the interpretation of these  
21 Regulations, the Executive Secretary may act on behalf of the CLE Board,  
22 pursuant to delegated authority from the Board, under APR 11 and these  
23 Regulations. Any adverse determinations and all questions of  
24 interpretation of these Regulations or APR 11 by the Executive Secretary  
25 shall be subject to review by the CLE Board upon written application by  
the person adversely affected.

(b) The CLE Board may organize itself into committees for the purpose  
of considering and deciding matters arising under APR 11 and these  
Regulations.

#### 17 **Regulation 108. Executive Secretary's Determinations and Review**

18 (a) Pursuant to guidelines established by the CLE Board, the Executive  
19 Secretary shall, in response to written requests for approval of courses or  
20 accreditation of sponsors, awarding of credit for attending, teaching or  
21 participating in approved courses, writing and editing, waivers, extensions  
22 of time deadlines and interpretations of these Regulations, make a written  
23 response describing the action taken. The Executive Secretary may seek  
24 a determination of the Board before making such response. At each  
25 meeting of the CLE Board the Executive Secretary shall report on all  
determinations made since the last meeting of the CLE Board.

(b) The CLE Board shall review any appeals of adverse determinations  
made by the Executive Secretary or his or her delegate. The active  
member or the sponsoring organization affected may present information  
to the CLE Board in writing or in person or both. If the CLE Board finds

1 that the Executive Secretary has incorrectly interpreted the facts, the  
2 provisions of APR 11, or the provisions of these Regulations, it may take  
3 such action as may be appropriate. The CLE Board shall advise the  
4 active member or sponsoring organization affected of its findings and any  
5 action taken.

#### 6 **Regulation 109. Submission of Information \_ Credit for Teaching or** 7 **Participating**

8 An active member who seeks credit for teaching or participating in an  
9 approved continuing legal education activity shall report additional credits  
10 pursuant to Regulation 103(d) in the member's CLE certification every  
11 three years.

#### 12 **Regulation 110. Exemptions, Waivers, Modifications**

13 (a) As a general proposition, all active members of the Bar Association  
14 are required to comply with the provisions of APR 11. The alternative to  
15 compliance is transfer to inactive status. The CLE Board may grant  
16 extensions, waivers or modifications of the time deadlines or education  
17 requirements specified in APR 11 and these Regulations in cases of  
18 undue hardship, age or infirmity. Requests for extensions, waivers or  
19 modifications shall be made in writing.

20 (b) **Exemptions based on age, restricted practice or disability.**  
21 Exemptions from the continuing legal education requirement based upon  
22 age and/or restricted practice should be granted only sparingly.  
23 Consequently, before the CLE Board will consider requests for  
24 exemptions or waivers based upon those grounds, it must be satisfied, by  
25 appropriate and properly executed affidavit, that the individual making  
such request is not, or will not, be engaged in the unsupervised practice of  
law. Such affidavit may be in the form of a sworn statement that the  
affiant has completely retired from the practice of law.

Upon the receipt of such an affidavit, the CLE Board may, in its discretion,  
grant the exemption or waiver requested on the basis of the statements  
contained therein. Affidavits so submitted shall be retained in the files of  
the CLE Board.

Individuals granted an exemption from the continuing legal education  
requirements on the above-stated basis may continue to hold the status of  
active member of the Bar Association. The granting of such an exemption  
does not, in any way, affect or diminish active member's duties and  
obligations as established by the bylaws, rules and regulations of the Bar  
Association or the Supreme Court.

Exemptions from the continuing legal education requirements may be  
revoked by the CLE Board upon change in the facts or circumstances  
upon which such exemption was granted.

1 (c) **Exemptions based on judicial status.** Full-time judges,  
2 magistrates, court commissioners, administrative law judges, and  
members of the judiciary, who are prohibited from practicing law, are  
exempt from the continuing legal education requirement established by  
APR 11.

3  
4 Part-time or pro-tem judges who are active members of the Bar  
Association, are fully subject to the requirements of APR 11.

5 Judges who have been exempt, upon return to active membership status,  
are fully subject to the continuing legal education requirements during the  
year in which they return to practice.

6 (d) **Exemptions based on legislative status.** Members of the  
7 Washington State Congressional Delegation and Members of the  
Washington State Legislature, otherwise subject to the continuing legal  
education requirements of APR 11 as active members of the Bar  
8 Association, are specifically exempted, during terms of office and while  
otherwise members in good standing of the Bar Association, from the  
9 requirements of APR 11.

10 This exemption applies only to the members of the Washington State  
Congressional Delegation, and to members of the Washington State  
11 Legislature, under the terms and conditions stated above. The exemption  
does not extend to active members of the Bar Association: (a) serving in  
the legislature of any other state; (b) serving in the administrative branch  
12 of any state government; or (c) serving on the staff of any member of the  
Washington State Congressional Delegation or the Washington State  
13 Legislature.

14 (e) **Active members living outside the United States.** Active  
members of the Bar Association who live or are employed outside the  
United States are required to comply with the continuing legal education  
15 requirements as provided for in Reg. 104(c)(6), or to transfer to inactive  
status until such time as compliance can be attained.

## 16 **Regulation 111. Noncompliance: Board Procedures**

17 An active member who has not complied with the educational or reporting  
18 requirements of APR 11 and these Regulations by May 1 of each calendar  
year, may be ordered suspended from the practice of law by the Supreme  
19 Court pending compliance with APR 11.

20 To effect such removal, the CLE Board shall send to the non-complying  
active member, by certified mail directed to the member's last known  
address as maintained on the records of the Washington State Bar  
21 Association, a written notice of non-compliance advising such active  
member of the pendency of suspension proceedings unless within ten (10)  
22 days of receipt of such notice such active member completes and returns  
to the CLE Board an accompanying form of petition, which may itself be  
23 accompanied by supportive affidavit(s), in support of a request for  
extension of time for, or waiver of, compliance with the requirements of

1       APR 11 and these Regulations or for a ruling by the CLE Board of  
substantial compliance with said requirements.

2       (a)     If such petition is not so filed, such lack of action shall be deemed  
acquiescence by the active member in the finding of non-compliance. The  
3       CLE Board shall, pursuant to APR 11.6(c)(1), report such fact to the  
Supreme Court with the CLE Board's recommendations for appropriate  
4       action. The Supreme Court shall enter such order as it deems  
appropriate.

5       (b)     If such petition be so filed, the CLE Board may, in its discretion,  
approve the same without hearing, or may enter into an agreement on  
6       terms with such active member as to time and other requirements for  
achieving compliance with APR 11 and these Regulations.

7       (c)     If the CLE Board does not so approve such petition or enter into  
such agreement, the CLE Board shall hold a hearing upon the petition and  
8       shall give the active member at least ten (10) days notice of the time and  
place thereof. Such hearing shall be conducted in accordance with APR  
9       11.6(c)(3). At the discretion of the chairperson, the hearing may be held  
before the entire Board or before a committee thereof. A full stenographic  
10      or tape record of the hearing may be taken at the request and expense of  
the active member affected. Testimony taken at the hearing shall be  
11      under oath and the oath shall be administered by the chairperson. The  
CLE Board or committee thereof may admit any relevant evidence,  
including hearsay evidence. As to each such petition and hearing, the  
12      CLE Board or committee thereof shall enter written findings of fact and an  
appropriate order, a copy of which shall be transmitted by certified mail to  
13      the active member affected at the address of such member on file with the  
Washington State Bar Association. Any such order shall be final and, in  
14      case of an adverse determination, shall be transmitted to the Supreme  
Court unless within ten (10) days from the date thereof the active member  
15      shall file a written appeal of the CLE Board's decision to the Supreme  
Court.

## 16       **Regulation 112. Appeal**

17      (a)     **Appeal to Supreme Court.** An adverse decision of the CLE Board  
may be appealed, by the active member affected, to the Supreme Court in  
18      accordance with the applicable provisions of APR 11.6. As to such  
appeals, the CLE Board shall be represented by its chairperson, such  
19      other member of the CLE Board as shall be designated by the  
chairperson, or by the Executive Secretary, or other counsel designated  
20      by the chairperson.

## 21       **Regulation 113. Reinstatement of Members Who Voluntarily Transferred to Inactive Status**

22      (a)     A person who transferred to inactive status while in full compliance  
with APR 11 and who desires reinstatement to active status must comply  
23      with the applicable bylaws and procedures of the Washington State Bar

1 Association pertaining to such change of membership status, including the  
2 filing of an application with the Board of Governors of the Bar Association  
3 in such form as is prescribed by the Board of Governors. The Board of  
4 Governors shall determine whether such application shall be granted and  
5 compliance with APR 11 and these Regulations is only one factor  
6 pertaining to such determination. Upon reinstatement to active status, if  
7 the person missed a reporting period during the time he or she was on  
8 inactive status, the person must report 15.00 credit hours per year since  
9 the person last reported credits.

10 (b) An active member who voluntarily transfers to inactive status when  
11 he or she has not complied with APR 11 and its Regulations, must make  
12 up any deficiency remaining at the time of the transfer to inactive status,  
13 complete an additional 15.00 credit hours for each year following the  
14 transfer to inactive status, and fully comply with the provisions of APR 11  
15 and these Regulations before he or she can be reinstated as an active  
16 member.

17 (1) Upon compliance with the immediately preceding provision of this  
18 Regulation, the CLE Board shall notify the Board of Governors of the  
19 Bar Association that the inactive member has satisfied the minimum  
20 continuing legal education requirements of APR 11 and these  
21 Regulations. A copy of that notification shall be sent to the inactive  
22 member.

23 (2) Once notification of compliance has been received, the inactive  
24 member may seek reinstatement pursuant to Regulation 114(a).

25 (c) A person who has been transferred from inactive to active status by  
the Board of Governors shall, immediately upon transfer, be subject to the  
provisions of APR 11 and these Regulations as any other active member  
of the Bar Association.

(d) The reinstated member retains the original reporting period to  
which he or she was initially admitted to the Bar Association.

(e) An inactive member who is reinstated to active status in the second  
or third year of the member's assigned group reporting period will be  
required to report 15.00 credits per year of active status within the  
reporting period, i.e. second year reinstatement - 30.00 credits; third year  
reinstatement - 15.00 credits. These credits must be reported at the end  
of the reporting period.

#### 20 **Regulation 114. Reinstatement of Members Suspended from Practice 21 for Failure to Comply with APR 11**

22 (a) An active member who, pursuant to APR 11.6(c) - (g), Regulation  
23 112 or 113, is suspended from practice for failure to comply with APR 11  
24 and its Regulations, must make up the deficiency and fully comply with the  
25 provisions APR 11 and these Regulations before he or she can be  
reinstated as an active member.



1 (b) Once a suspended member has complied with the immediately  
2 preceding provisions of this Regulation, the Board shall notify the  
3 Supreme Court that the suspended member has satisfied the  
4 requirements of APR 11 and these Regulations. A copy of that notification  
5 shall be sent to the suspended member.

6 (c) Once the Supreme Court has reinstated the suspended member,  
7 the reinstated member shall be subject to all provisions of APR 11 and its  
8 regulations and retains the original reporting period to which he or she  
9 was initially admitted to the Bar.

10 (d) A suspended member who is reinstated to active status in the  
11 second or third year of the member's assigned group reporting period will  
12 be required to report 15.00 credits per year of active status within the  
13 reporting period, i.e. second year reinstatement - 30.00 credits; third year  
14 reinstatement - 15.00 credits. These credits must be reported at the end  
15 of the reporting period.

#### 16 **Regulation 115. Rulemaking Authority**

17 The CLE Board, subject to the approval of the Board of Governors and the  
18 Supreme Court, has continuing authority to make Regulations consistent  
19 with APR 11 in furtherance of the development of continuing legal  
20 education for Washington attorneys and the regulation thereof. The CLE  
21 Board may adopt policies, consistent with these regulations, to provide  
22 guidance in the administration of these regulations and APR 11. The CLE  
23 Board will notify the Board of Governors of any policies which it adopts.  
24 The Board of Governors will review any such policies at their next  
25 regularly scheduled meeting. Unless the Board of Governors objects,  
such policy will become effective 60 days after promulgation by the CLE

#### 26 **Regulation 116. Confidentiality**

27 The files and records of the CLE Board, as they may relate to or arise out  
28 of any failure of a member of the Washington State Bar Association to  
29 satisfy the continuing legal education requirements of APR 11 and these  
30 Regulations, shall be deemed confidential and shall not be disclosed  
31 except in furtherance of the CLE Board's duties, or upon the request of the  
32 member affected, or pursuant to a proper subpoena duces tecum, or as  
33 directed by the Supreme Court.

#### 34 **Regulation 117. Out-of-state Compliance**

35 (a) An active member whose principal office for the practice of law is  
36 not in the State of Washington may comply with these rules by filing a  
37 compliance report as required by APR 11.6(b) in which the member  
38 certifies that the member is subject to the CLE Requirements of that  
39 jurisdiction and that the member has complied with the CLE Requirements  
40 of that jurisdiction during the member's reporting period, provided that the

1 CLE Board has determined that the requirements established by these  
rule are substantially met by the requirements of the other jurisdiction.

2 (b) The CLE Board has determined that the Continuing Legal  
3 Education requirements in Washington are substantially met by the  
Continuing Legal Education requirements of the following other  
4 jurisdictions: Oregon, Idaho, and Utah.

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